

An inspection of the table shows, for example, those areas which are indebted to the Summer months (December, January, and February) for most of their rainfall and those which owe most to the Fall and Winter.

In the following subdivisions Summer is the wettest season: Trans-Darling North, Cis-Darling North, Upper Bogan, Lower Macquarie, West Gwydir, East Gwydir, Mandewars, Liverpool Plains, West New England, East New England, Clarence, Manning, Cudgegong, Wurrumbungles Highlands, Warren Lowlands, and Upper Murrumbidgee—roughly speaking, all the northern half of the State.

The Fall or Winter is best favored in Trans-Darling South, Cis-Darling South, Orara, Hunter, Central Plateau, Sydney, Nepean, Illawarra, South Coast, Snowy Mountain, Jugiong, Tumut, East Riverina, and West Riverina—mostly in the southern half of New South Wales.

In no instance does the Spring rainfall predominate, although in the majority of cases it exceeds 20 per cent of the annual. The smallest percentage in Spring is experienced in the Clarence subdivision, where it amounts to only 16.6 per cent of the annual total. The greatest in this season occurs on the Snowy Mountains, with 28.4 per cent.

The largest Summer percentage is 39.7 per cent in East New England and the least, 17.9 per cent, on the Snowy Mountains.

In the Fall, during which the rainfall is perhaps the best distributed, the greatest percentage falls in the Illawarra district—viz, 33.5 inches—and the least, 21.3 per cent, in West New England.

Winter, the season of southern rains, has 32.4 at Jugiong as its largest percentage and 13.9 per cent, the

least, in East New England. It will be seen that in the latter district the two extremes are experienced, both in Summer and Winter.

Monsoonal and Antarctic influences, acting either separately or in combination, are responsible for the rainfall in New South Wales. The monsoonal rainstorms favor as their period of operation the warm months of the year and mostly affect northern districts, while the Antarctic disturbances, although perennial, are in their best form during the Winter and yield their largest falls in southern areas.

"ACT OF GOD" DEFINED.¹

The term "act of God," as applicable to the question of damages, has received a variety of definitions.

Some courts hold such acts to be those occasioned exclusively by the violence of nature, such as floods, lightning, tornado, earthquake, and the like. Another phase of the same idea is the statement that it is a disaster with which the agency of man had nothing to do. Everyone, however, is supposed to take reasonable precautions, such as a prudent man would take in like cases. Then if the act of nature causes loss and damage, there is no wrong and no liability can attach to any one.

A comprehensive definition of "act of God" is found in the case of *United States v. Kansas, etc., Ry. Co.* (189 Fed., 471, 477), as follows:

An inevitable accident which could not have been foreseen and prevented by the exercise of that degree of diligence which reasonable men would exercise under like conditions and without any fault attributable to the party sought to be held responsible.

See also 1 *Corpus Juris*, 1177, and cases cited.

¹ From "Reclamation Record," Washington, September, 1916, No. 9, 7: 398-9.